



MEMORANDUM

DATE: April 4, 2006
TO: Planning Board
FROM: Preston Mitchell, Senior Planner
for Valarie Stewart, chair, Committee 2

SUBJECT: Process for Courtesy Hearings

The Planning Board's Committee 2 convened their meeting on April 3, 2006 to discuss the courtesy hearing process and what improvements, if any, could be made to the current process. Staff began by providing some background information. The City Council has recently expressed some disquiet about fairness and equity in the courtesy hearing, as well as the public hearing at their level, processes.

Currently, neither state law nor the Board's Rules of Procedure require that the Planning Board hold a public hearing. That is why they are identified as courtesy hearings at this level. However, the Board always holds a courtesy hearing for every rezoning, text amendment, group development, and subdivision that is submitted to the Board for the first time. If a case is sent to the committee level, the committee returns a recommendation to the Board for their acceptance, deliberation, and ultimate action. It is this second time before the Board where there is a question. Each committee member (Valarie Stewart, Mark Beymer, Kelly Vance, and Albert Stout) expressed dissatisfaction with the idea that a second courtesy hearing must be held. They agreed that it must be handled on a case-by-case basis.

A second important item of discussion was whether staff presentations should be limited to a specified time and in what order should the public and petitioner have an opportunity to speak. Two of the members expressed that staff needs to be free to decide which case requires more presentation time and in-depth analysis. However, it was agreed by all committee members and staff that presentations should not be a complete re-hashing of the staff report – that staff should expect all Board members will understand each case to a large degree upon entering the meeting. It was also agreed that there needs to be more Board-staff interaction with more questioning of staff in order to fully grasp staff's perspective. This is important because if staff inserts information without being asked, it may appear as being coercive instead of supportive.

Regarding public and petitioner speaking opportunities, Dr. Beymer proposed that the "CONS" speak first with the "PROS" speaking second. This comment was made in line with a proposal by Dr. Vance

to have the petitioner always speak last; in effect, allowing him or her to address comments and concerns expressed by the general public.

Dr. Beymer requested that the following statement be included in this report: *"I strongly recommended that there be no reduction in staff presentation time of agenda items due to the need for the public, either in attendance or viewing on ACCESS 16, to have more specific background on the agenda items than are in the abbreviated executive summaries in order to understand the context of the planning board discussion. There is a public relations benefit in the present format and it is a courtesy worth extending by the planning board."*

The committee was not asked to take action, but there was unanimous support for proposing changes to the Rules of Procedure to reflect the comments and recommendations made at this meeting.